PATENT COOPERATION TREATY

PCT

COMMUNICATION IN CASES FOR WHICH NO OTHER FORM IS APPLICABLE

From the INTERNATIONAL BUREAU

I To

KOTANI, Etsuji

Nichimen Building 2nd Floor 2-2, Nakanoshima 2-chome, Kita-ku Osaka-shi, Osaka 5300005

JAPON

Date of mailing (day/month/year) 26 September 2005 (26.09.2005)	
Applicant's or agent's file reference P1574PCT	REPLY DUE see paragraph 1 below
International application No.	International filing date (day/month/year)
PCT/JP2005/002768	22 February 2005 (22.02.2005)
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.	
1. REPLY DUE within months/days from the above date of mailing NO REPLY DUE, however, see below IMPORTANT COMMUNICATION INFORMATION ONLY	
2. COMMUNICATION:	
The International Bureau acknowledges receipt, on 02 September 2005 (02.09.05), of the applicant's informal comments on the written opinion of the International Searching Authority (Form PCT/ISA/237).	
Please be informed that unless an international preliminary report on patentability (Chapter II of the PCT) (Form PCT/IPEA/409) has been or is to be established, the International Bureau will communicate a copy of the submitted comments together with a copy of the international preliminary report on patentability (Chapter I of the PCT) (Form PCT/IB/373) to each designated Office in accordance with Rule 93bis.1 but not before the expiration of 30 months from the priority date.	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Miki KOBAYASHI (Fax 338 7010)

Telephone No. (41-22) 338.94.01

ATTACHMENT H

Facsimile No. (41-22) 338.70.10

Informal Comments

1. Summary of Written Opinion

y 3 10 1 12

In the Written Opinion of the International Searching Authority, the Examiner comments that the inventions recited in claims 1 through 13 of the application lack of inventive step because a person skilled in the art could easily come up with the invention based on the inventions recited in Japanese Unexamined Patent Publication No. 2002-176681 (hereinafter, called as "Reference 1"), Japanese Unexamined Patent Publication No. 2004-28459 (hereinafter, called as "Reference 2"), and Japanese Unexamined Patent Publication No. 2002-297702 (hereinafter, called as "Reference 3").

The Applicant prepared amended Claims 1, 7, 12, and 13 in which a limitation was added to initially filed Claims 1, 7, 12, and 13, by means of the Amendment under the provision of PCT Article 19, and clarified the differences between the inventions of Claims 1 through 13 after the Amendment, and the inventions recited in References 1 through 3.

- 2. Reasons for Supporting Inventive Step Argument of Claimed Invention
- (1) Concerning Claimed Invention

Amended Claim 1 is directed to:

(a) an apparatus control system provided with an apparatus which requires a plurality of different settings, an

apparatus controlling device for controlling the apparatus, and a server which is communicatively connected to the apparatus controlling device via a network, wherein

the apparatus controlling device includes:

(r , 1) , (1)

- (b) an apparatus setting means for accepting an input by a first operator, and performing a setting, the setting being at least one of a setting on a connection between the apparatus and the apparatus controlling device, and a confirmation on an operation of the apparatus including a test run of the apparatus using the apparatus controlling device:
- (c) a network setting means for accepting an input by a second operator different from the first operator, and performing a setting on a connection between the apparatus controlling device and the server;
- (d) a setting status monitoring means for monitoring an apparatus setting status representing whether the setting by the apparatus setting means has been completed, and a network setting status representing whether the setting by the network setting means has been completed; and
- (e) a setting status display means for displaying the apparatus setting status and the network setting status detected by the setting status monitoring means.

With the above arrangements, the invention recited in amended Claim 1 has the following operations and advantageous effects (A):

information representing whether the settings to be executed by the respective operators have been completed is displayed if the apparatus setting and the network setting are performed by the different operators, which enables the respective operators to perform the setting operations independently and efficiently.

(2) Concerning References

9 , 0 <u>6</u> .

(2-1) Reference 1 (Japanese Unexamined Patent Publication No. 2002-176681)

Reference 1 recites that a remote controller 12 equipped with a function of controlling a hot water supply section 30 of a hot water supplier 11, and a management server 61 for administering plural hot water supply systems 10 are communicated with each other via a telephone line network 50. (see paragraphs [0030] and [0034])

(2-2) Reference 2 (Japanese Unexamined Patent Publication No. 2004-28459)

Reference 2 recites that a hot water supply device 1 downloads a control program from a server 3 via a communication network 4 every operation to execute an operation based on the control program. (see paragraph [0078]).

(2-3) Reference 3 (Japanese Unexamined Patent Publication No. 2002-297702)

Reference 3 recites a facility management device

comprising: production equipment 1 such as a servo amplifier; an information collecting terminal 2 for exchanging information between the production equipment 1 in correspondence manner; a setup terminal 4 for designating an IP address of the information collecting terminal 2 as an object for setup, and designating equipment information relating to the production equipment 1 (e.g. equipment name, equipment manufacturer, and model name) connected to the information collecting terminal 2 by accessing a Webpage 30 for setup of the information collecting terminal provided in a software server 5; and the software server 5 which includes a database storing various softwares for the information collecting terminal (e.g. setup software and contents for setup of each production equipment, and middleware for each production equipment), and which retrieves the software corresponding to the equipment information designated by the setup terminal 4 out of the database to transfer the retrieved software to the information collecting terminal 2 (see paragraph [0016]).

30 g = 10 g = 10

(3) Comparison between Invention of Amended Claim 1, and References

As mentioned above, Reference 1 and Reference 2 disclose that the remote controller or the hot water supply device, and the server communicate with each other. Also, Reference 3 discloses that the apparatus setting and the

networks setting are performed. In the Written Opinion of the International Searching Authority, the Examiner comments that it would be easily anticipated by a person skilled in the art to apply the invention recited in Reference 2, 3 (presumably, the Examiner intended to cite Reference 3) to the device recited in Reference 1 (presumably, the Examiner intended to cite Reference 1, 2).

The invention recited in Reference 3 is made based on the idea that one user performs the apparatus setting and the network setting, and is not made based on the idea that different operators perform the apparatus setting and the network setting individually.

Therefore, the invention recited in Reference 3 is not motivated to monitor the apparatus setting status representing whether the setting by the apparatus setting means has been completed and the network setting status representing whether the setting by the network setting means has been completed, and to display the apparatus setting status and the network setting status detected by the setting status monitoring means.

Accordingly, Reference 3 neither discloses nor remotely suggests the arrangements of the claimed invention i.e. (b): an apparatus setting means for accepting an input by a first operator, and performing a setting, the setting being at least one of a setting on a connection between the apparatus and the apparatus controlling device, and a confirmation on

an operation of the apparatus including a test run of the apparatus using the apparatus controlling device; (c): a network setting means for accepting an input by a second operator different from the first operator, and performing a setting on a connection between the apparatus controlling device and the server; (d): a setting status monitoring means for monitoring an apparatus setting status representing whether the setting by the apparatus setting means has been completed, and a network setting status representing whether the setting by the network setting means has been completed; and (e): a setting status display means for displaying the apparatus setting status and the network setting status detected by the setting status monitoring means.

On the other hand, since the invention recited in amended Claim 1 has the arrangements (b) through (e), the claimed invention provides the operations and advantageous effects (A) inherent to the application that: information representing whether the settings to be executed by the respective operators have been completed is displayed if the apparatus setting and the network setting are performed by the different operators, which enables the respective operators to perform the setting operations independently and efficiently.

Thus, the invention recited in amended Claim 1 and the invention recited in Reference 3 are obviously different in the arrangements and the advantageous effects. Further,

Reference 3 does not even implicitly suggest motivation for the constituent features (b) through (e) of amended Claim 1. Accordingly, the Applicant believes that it would be impossible for a person skilled in the art to easily anticipate the invention recited in amended Claim 1 even by application of the invention recited in Reference 3 to the device disclosed in Reference 1, 2.

(4) Concerning Inventions Recited in Claims 2 through 13 after Amendment

Claims 2 through 6 after the Amendment each depend on amended Claim 1. The invention recited in Claim 12 after the Amendment is merely an alteration of the category of the invention recited in amended Claim 1. Inasmuch as it is impossible for a person skilled in the art to easily anticipate the invention of amended Claim 1 based on References 1 through 3 as argued above, the Applicant believes that it would be impossible for a person skilled in the art to easily anticipate the inventions recited in Claims 2 through 6 and 12 after the Amendment, based on References 1 through 3.

Amended Claim 7 is an independent claim directed to an apparatus which is communicatively connected to a server via a network, and requires a plurality of different settings. Since amended Claim 7 recites the same subject matter as amended Claim 1, the Applicant believes that it would be

impossible for a person skilled in the art to easily anticipate the invention recited in amended Claim 1 based on References 1 through 3 since it would be impossible for a person skilled in the art to easily anticipate the invention recited in amended Claim 1 based on References 1 through 3 as argued above.

Claims 8 through 11 after the Amendment each depend on amended Claim 7, and the invention recited in amended Claim 13 is merely an alteration of the category of the invention recited in amended Claim 7. Inasmuch as it is impossible for a person skilled in the art to easily anticipate the invention recited in amended Claim 7 based on References 1 through 3 as argued above, the Applicant believes that it would be impossible for a person skilled in the art to easily anticipate the inventions recited in Claims 8 through 11 and 13 after the Amendment, based on References 1 through 3.

3. Conclusion

As argued above, the inventions recited in Claims 1 through 13 after the Amendment are obviously different from the inventions recited in References 1 through 3 in the arrangements and advantageous effects, and References 1 through 3 have no disclosure that implicitly suggests the inventions recited in Claims 1 through 13 after the Amendment. Accordingly, the Applicant believes that it would be impossible for a person skilled in the art to easily

anticipate the claimed invention based on the inventions recited in References 1 through 3, and thus the claimed invention has an inventive step over References 1 through 3.

1. 見解書の概要

国際調査機関の見解書では、本願の請求の範囲1~13発明は、特開2002-176681号公報(以下、「引用文献1」とする)、特開2004-28459号公報(以下、「引用文献2」とする)及び特開2002-297702号公報(以下、「引用文献3」とする)に記載された発明に基づいて当業者が容易に発明することができたものであるから、進歩性がないと判断されております。

そこで、出願人は、PCT19条の規定に基づく補正書により、補正前の請求の範囲1,7,12,13をさらに限定した新たな請求の範囲1,7,12,13を作成し、補正後の請求の範囲1~13発明と引用文献1~3に記載の発明との差異をより明確に致しました。

2. 本願発明が進歩性を有する理由

(1) 本願発明について

補正後の請求の範囲1発明は、

(a)複数の異なる設定を必要とする機器と、前記機器を制御する機器制御装置と、前記機器制御装置とネットワークを介して通信可能に接続されるサーバとで構成される機器制御システムであって、

前記機器制御装置は、

- (b)第1の作業者による入力を受け付け、前記機器と前記機器 制御装置との接続設定及び前記機器制御装置を用いた前記機器の 試運転を含む動作確認のうちの少なくとも一方を行う機器設定手 段と、
- (c) 前記第1の作業者とは異なる第2の作業者による入力を受け付け、前記機器制御装置と前記サーバとの接続設定を行うネッ

トワーク設定手段と、

- (d) 前記機器設定手段による設定が完了したか否かを表す機器 設定状態及び前記ネットワーク設定手段による設定が完了したか 否かを表すネットワーク設定状態を監視する設定状態監視手段と、
- (e) 前記設定状態監視手段によって検出される機器設定状態及びネットワーク設定状態を表示する設定状態表示手段とを備えることを特徴とする機器制御システム

です。上記の構成により、請求の範囲1発明では、

(A)機器設定とネットワーク設定とが異なる作業者によって設定される場合、それぞれの作業者の行うべき設定が終了しているかどうかが表示されるので、それぞれの作業者が独立かつ円滑に設定作業を行うことができるという作用効果を有します。

(2) 引用文献について

(2-1) 引用文献1 (特開2002-176681号公報)

引用文献1には、給湯器11の給湯部30を制御するための制御機能を備えたリモコン12と、複数の給湯システム10を管理運営する管理サーバ61とが電話回線網50を介して通信を行うことが記載されています(段落【0030】、【0034】)。

(2-2)引用文献2(特開2004-28459号公報)

引用文献2には、給湯装置1が、各運転毎に通信網4を介してサーバー3から制御プログラムをダウンロードし、その制御プログラムに基づいて運転動作を実行することが記載されています(段落【0078】)。

(2-3)引用文献3(特開2002-297702号公報)

引用文献3には、サーボアンプなどの生産設備機器1、生産設備機器1と生産設備機器1の対応した方法で情報交換を実施する情報収集端末2、ソフトウェアサーバ5内部の情報収集端末設定

用WebPage30にアクセスし、そこに設定対象である情報収集端末2のIPアドレスを指定するとともに情報収集端末2に接続されている生産設備機器1の機器情報(器名、製造元、機種名など)を指定するための設定用端末4/情報収集端末用の各種のソフトウェア(各機器用セットアップソフトウェアとコンテンツ、各機種用ミドルウェア)を格納しているデータベースを有し、そのデータベースから設定用端末4により指定された機器情報に対応するソフトウェアを検索して、そのソフトウェアを情報収集端末2に転送するソフトウェアサーバ5からなる設備管理装置が記載されています(段落【0016】)。

(3)請求の範囲1発明と引用文献との対比について

上記のように、引用文献1及び引用文献2に記載された発明には、それぞれリモコン又は給湯装置とサーバとが通信を行うことが開示されております。また、引用文献3に記載された発明には、機器の設定及びネットワークの設定を行うことが開示されております。そして、国際調査機関の見解書では、文献2,3(おそらく、文献3の間違いであると思料します)に記載された発明を文献1(おそらく、文献1,2の間違いであると思料します)の装置に用いることは当業者にとって容易であると指摘されております。

ここで、引用文献 3 に記載された発明は、1 人のユーザが機器の設定及びネットワークの設定を行うことを想定しており、機器の設定とネットワークの設定とをそれぞれ異なる作業者が行うことは想定されておりません。

そのため、引用文献 3 に記載された発明では、機器設定手段による設定が完了したか否かを表す機器設定状態及びネットワーク設定手段による設定が完了したか否かを表すネットワーク設定状態を監視したり、設定状態監視手段によって検出される機器設定

状態及びネットワーク設定状態を表示することは必要ありません。

したがいまして、引用文献 3 には、本願発明の構成(b)「第 1 の作業者による入力を受け付け、前記機器と前記機器制御装置との接続設定及び前記機器制御装置を用いた前記機器の試運転を含む動作確認のうちの少なくとも一方を行う機器設定手段」、構成(c)「前記第 1 の作業者とは異なる第 2 の作業者による入力を受け付け、前記機器制御装置と前記サーバとの接続設定を行うネットワーク設定手段」、構成(d)「前記機器設定手段による設定が完了したか否かを表すネットワーク設定状態をごうしたか否かを表すネットワーク設定状態を認定はよる設定が完了したか否かを表すネットワーク設定状態を監視する設定状態監視手段」及び構成(e)「前記設定状態監視手段によって検出される機器設定状態及びネットワーク設定状態を設によって検出される機器設定状態及びネットワーク設定状態を表示する設定状態表示手段」については開示も示唆もされておりません。

一方、本願請求の範囲1発明では、構成(b)~(e)を備えることにより、本願特有の作用効果(A)、すなわち、機器設定とネットワーク設定とが異なる作業者によって設定される場合、それぞれの作業者の行うべき設定が終了しているかどうかが表示されるので、それぞれの作業者が独立かつ円滑に設定作業を行うことができるという作用効果を奏することができます。

このように、請求の範囲 1 発明と引用文献 3 に記載の発明とではその構成及び効果が明らかに相違するとともに、引用文献 3 には請求の範囲 1 発明の構成要件(b)~(e)に対する動機づけとなる示唆すらないことから、引用文献 3 に記載された発明を引用文献 1,2 の装置に用いたとしても、たとえ当業者といえども請求の範囲 1 発明を容易に想到することはできないと確信致します。

(4)請求の範囲2~13発明について

補正後の請求の範囲2~6発明は、上記の請求の範囲1発明に 従属しており、補正後の請求の範囲12発明は上記の請求の範囲 1発明のカテゴリーの変更に過ぎず、上記のように引用文献1~ 3から請求の範囲1発明を容易に想到することはできない以上、 当然に引用文献1~3から請求の範囲2~6,12発明を容易に 相当することはできないと確信します。

また、補正後の請求の範囲7発明は、サーバとネットワークを介して通信可能に接続されるとともに、複数の異なる設定を必要とする機器に関する独立項であり、請求の範囲1と同様の補正を行っておりますので、上記のように引用文献1~3から請求の範囲1発明を容易に想到することはできない以上、当然に引用文献1~3から請求の範囲7発明を容易に相当することはできないと確信します。

さらに、補正後の請求の範囲8~11発明は、上記の請求の範囲7発明に従属しており、補正後の請求の範囲13発明は上記の請求の範囲7発明のカテゴリーの変更に過ぎず、上記のように引用文献1~3から請求の範囲7発明を容易に想到することはできない以上、当然に引用文献1~3から請求の範囲8~11,13発明を容易に相当することはできないと確信します。

3. むすび

以上のとおり、本願の請求の範囲1~13に記載の発明は、その構成及び効果が引用文献1~3に記載された発明と明らかに相違するものであり、引用文献1~3には本願の請求の範囲1~13に記載の発明に対する示唆となるべき記載も全くされていないため、たとえ当業者といえども引用文献1~3に記載された発明に基づいて容易に発明することができたものではなく、進歩性を有するものと確信いたします。